IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.3131 OF 2003

Krantikari Jaihind Sena
(Maharashtra State)
Through Mr. Abdul Karim Inamdar ..Petitioner.
Vs.
The Director, Town Planning
Maharashtra State & Ors. ..Respondents.

....

Mr. R.N. Kachawe for the petitioner.
Mr. R.M. Savant, GP for Respondent Nos.1, 2, and 4.
Ms. Priti Purandare for Respondent No.3.

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**CORAM : DALVEER BHANDARI, C.J.&**
**DR.D.Y.CHANDRACHUD, J,**

1st September, 2004.

P.C. :

1. In this petition, prayer has been made that the respondents be directed to set aside the order of shifting the recreation plot that is, the notification/order passed by the respondents for R.G. Reservation on plot bearing No.1406/A/3/9 of Village Malad, Malad-W, and shifting the same to C.T.S. No.827 A/1 C(Pt) Village Malad (East) in reference to Notification in the Government

Gazette dated 18th August, 2003 under No.TPB 4303/808/Cr 106/2003/UD 11.

2. The learned counsel appearing for the State submits that before the petition was filed, the order has already been implemented. It is also submitted in the affidavit that the development plan of the P/North Ward now stands modified whereby the reservation or recreation ground is deleted on plot bearing C. T. S. No.1406A/3/9 and the said land falls in residential zone and the plot bearing C. T. S. No.827/A/IC (Pt) of Village Malad is reserved for recreation ground. Both the lands are equal in area admeasuring about 28277.50 sq.mtrs. In view of the affidavit of respondent Nos.1 and 2, we find no merit in the petition. The writ petition is accordingly dismissed.

CHIEF JUSTICE

DR.D.Y.CHANDRACHUD, J.